

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHEAST DIV.

DEBORAH SCHMIDT-PERDUE,

Plaintiff,

v.

LOWE'S HOME CENTERS, INC.,

Defendant.

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No.: 2:08-CV-213

ORDER AUTHORIZING EXAMINATION
AND COPYING OF RECORDS

By agreement and stipulation of counsel for the respective parties, and by Order of the Court, it is hereby:

ORDERED that defendant(s) attorneys be, and they hereby are, authorized to inspect and/or copy any and all medical records, **with the exception of psychological or psychiatric care**, pertaining to the examination, diagnosis, care or treatment of the Plaintiff, **Deborah Schmidt-Perdue**, whose date of birth is 10/08/1954. Any and all persons having custody of such records shall regard a true copy of this Order as full and complete authorization to produce and permit inspection and/or copying of such records, provided that Defendant(s) attorneys pay the costs of any such copying.

In accordance with the **Health Insurance Portability and Accountability Act ("HIPAA")**, **45 C.F.R. §§ 160 and 164**, Plaintiff **Deborah Schmidt-Perdue** hereby acknowledges, through counsel, that release of medical records per this Order shall be used for discovery purposes in the above-styled lawsuit. Plaintiff further acknowledges, through counsel, that any request for medical records, **excluding psychological or psychiatric records**, shall include all records pertaining to treatment rendered to the Plaintiff, irrespective of type of treatment or time of services rendered. Lastly, Plaintiff acknowledges, through counsel, that

records obtained per this Order may be disseminated to agents and/or associates of defense counsel, including, but not limited to, Defendant(s) or their agents and expert witnesses, and that any such information disseminated will no longer be protected by HIPAA privacy standards, **but does not agree to allow representatives of anyone other than Deborah Schmidt-Perdue to speak to any provider out of the presence of Ms. Perdue or her attorney.**

In further accordance with HIPAA, counsel for the Defendant(s) hereby acknowledges that dissemination of records obtained per this Order shall be limited to agents and/or associates, including, without limitation, Defendant(s) or their representatives and expert witnesses. This Order shall remain in full force and effect for the maximum duration permitted by law. This Order may not be unilaterally revoked by the Plaintiff without the express permission of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all past or present employers of **Deborah Schmidt-Perdue**, whether full-time or part-time, are hereby authorized and directed to make available to **Clint J. Woodfin** and/or an agent or representative of Spicer, Flynn & Rudstrom, any records they may request regarding the past or present employment of **Deborah Schmidt-Perdue**, and to produce for examination any copying at their expense any and all documents or other records, including but not limited to the personnel file, attendance records, sick leave records, leave of absence records, vacation records, evaluations, medical file, grievance file, employment file, insurance records and compensation records, evidencing or pertaining in any way to the income or employment of **Deborah Schmidt-Perdue**. **This does not allow representatives of anyone other than Deborah Schmidt-Perdue to speak to any past or present employers out of the presence of Ms. Collins or her attorney.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the confidentiality provisions set forth in T.C.A. § 50-7-701, et seq. are waived by **Deborah Schmidt-Perdue** and the Director of Unemployment Insurance, or similar governmental official or agency, is authorized and directed to make available to **Clint J. Woodfin** and/or an agent or representative of Spicer, Flynn & Rudstrom,, and/or their agents or representatives, any records they may

request regarding unemployment compensation requested by or provided to **Deborah Schmidt-Perdue** and to produce for inspection and copying, at their expense, any and all documents and other records evidencing or pertaining in any way to the same. **This does not allow representatives of anyone other than Deborah Schmidt-Perdue to speak to any provider out of the presence of Ms. Perdue or her attorney.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Social Security Administration, or similar governmental official or agency, is authorized and directed to make available to **Clint J. Woodfin** and/or an agent or representative of Spicer, Flynn & Rudstrom,, and/or their agents or representatives, any records they may request regarding Social Security benefits requested by or provided to **Deborah Schmidt-Perdue** and to produce for inspection and copying, at their expense, any and all documents and other records evidencing or pertaining in any way to the same, including but not limited to, wage earning records, Social Security disability records and the Social Security appellate file. **This does not allow representatives of anyone other than Deborah Schmidt-Perdue to speak to any provider out of the presence of Ms. Perdue or her attorney.**

IT IS FURTHER ORDERED that the defendant(s) will provide copies of all documents received to Plaintiff's attorney within seven (7) days of defendant's receipt of said records but no later than 48 hours prior to their use in a trial or deposition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this Order shall be treated as an original and all affected persons or entities shall comply with the terms of this Order.

THIS ORDER MAY BE USED ONLY TO SECURE RECORDS AND NOT FOR ANY PRIVATE CONVERSATION WITH A TREATING PHYSICIAN.

ENTERED this _____ day of _____, 2008.

s/ H. Bruce Guyton
United States Magistrate Judge

Approved for Entry:

s/J. Robert Stacy
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